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Report of the Working Group on the Universal Periodic Review*

Uruguay

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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Uruguay received 187 recommendations. Guided by international human rights standards, Uruguay has accepted all but recommendation 124.1. This is in line with its stated intention, set forth in its initial statement on 29 January 2014, to accept them "where they promise to render the protection and promotion of human rights in Uruguayan society more effective, with the obvious proviso that the means and time-frame for their individual application will depend on their nature and scope".

123.1. Accepted.

123.2. Accepted. Being implemented.

123.3. Accepted. Being implemented.

123.4, 123.5, 123.6 and 123.7. Accepted. With regard to **123.6**, Uruguay already explained that it is proceeding with an internal consultation process between the various competent national bodies, with a view to considering ratification of this Convention and examining how to apply it.

The Government of Uruguay is committed to moving forward with this process in the light of the contents of the handbook on the Convention, even though the National Tripartite Committee has already considered it and bearing in mind that reservations to ILO conventions are not permitted.

123.8. Accepted. Being implemented. The third Optional Protocol to the Convention on the Rights of the Child on a communications procedure is being considered by the Senate Foreign Affairs Committee in Parliament.

123.9. Accepted.

123.10, 123.11, 123.12, 123.13, 123.14 and 123.15. Accepted. Being implemented.

The National Human Rights Institution and Ombudsman's Office is an independent State body that works as part of the legislative branch of government and is tasked with the defence, promotion and protection of the gamut of human rights guaranteed by the Constitution and international law. It was established under Act No. 18.446 of 24 December 2008, following the guidelines of the Paris Principles adopted by the General Assembly in resolution 48/134 of 1993, and by virtue of undertakings made under the Vienna Declaration and Programme of Action that resulted from the 1993 World Conference on Human Rights. It is an additional mechanism to others already in place and its role is to provide people with greater safeguards for the enjoyment of their rights and to ensure that laws, administrative practices and public policy conform with international human rights standards.

An independent expert study of the Institution's legal foundations conducted at the request of Parliament confirmed that it is fully independent, with the power to establish its own regulations within the framework of the Constitution and the law.

The Institution, which was set up in 2012, is preparing for the accreditation process with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). An application has been lodged and the Institution is in contact with ICC and the Office of the United Nations High Commissioner for Human Rights (OHCHR), which are working together on the matter. The Subcommittee on Accreditation is expected to consider the application in 2014.

123.16, 123.17 and 123.18. Accepted. Being implemented.

Article 83 of Act No. 18.446, under which the National Human Rights Institution and Ombudsman's Office was established, states that the Institution shall act as national preventive mechanism, in coordination with the Ministry of Foreign Affairs. The

Institution's board has appointed one of its members to run the mechanism and a technical staff member to assist and coordinate its activities.

With a view to clearly defining their respective areas of responsibility and in order to guarantee the mechanism's independence, the Ministry of Foreign Affairs and the Institution signed an action protocol in December 2013. This document states that, without prejudice to the cooperation agreements made by both parties, "the National Human Rights Institution and Ombudsman's Office will be tasked with carrying out the functions ascribed to the national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and shall act in accordance with the Paris Principles, adopted in resolution 48/134 by the United Nations General Assembly on 20 December 1993, by developing any initiatives it deems appropriate for the optimum fulfilment of those functions. The Institution shall be exclusively responsible for carrying out the mandate, albeit with the assistance of individuals and/or other institutions as it sees fit."

In October 2013, the Institution signed an agreement with the United Nations Children's Fund (UNICEF) that enabled the mechanism to begin working on a matter of keen interest to both: places of deprivation of liberty for young people. Three specialists in that area (two psychologists and a social worker) have been taken on using funds provided by UNICEF under the agreement. It is clearly established in their contracts that they report exclusively to the Institution.

Specific agreements will be signed in order to formalize assistance that the national preventive mechanism already receive, and open up further areas of cooperation, so as to consolidate resources that will allow it to work more effectively towards meeting all its commitments under the provisions of the Optional Protocol by conducting visits to all places of deprivation of liberty around the country.

In December 2013, a multidisciplinary group was set up and began working. All prison facilities have been asked to provide information for a database and to enable timetabling for visits, the establishment of procedural protocols and the drafting of ensuing reports and recommendations. Assistance is also being provided by the faculty of forensic medicine and paediatrics of the University of the Republic, whose specialists take part in visits as and when required. At the time of writing, the national preventive mechanism had carried out 13 visits and issued the corresponding reports and recommendations.

The Institution has been working with the Parliamentary Commissioner for the Prison System under article 10 of the Act and will report on this point to the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Under the 2013 budget, Parliament allocated it sufficient funds to carry out its mandate.

123.19. Accepted. Being implemented.

123.20. Accepted. Being implemented.

As reported, a national plan known as the Plan for Living Together and Human Rights has been drafted by the Human Rights Directorate of the Ministry of Education and Culture. It focuses on human rights, taking a broad, cross-cutting approach. The draft has been submitted to the Social Affairs Office and will be examined soon by the Council of Ministers. Civil society will also be consulted on the plan, with a view to it becoming operational by the end of this year.

123.21, 123.22, 123.23, 123.24 and 123.25. Accepted. Being implemented.

As previously reported, a National Plan against Racism and Discrimination has, after a period of analysis, been drafted along the lines of the United Nations model, focusing on all forms of discrimination and not just racism. Discrimination may occur on grounds of gender, Afro-descendants, disability (including mental disability), sexual orientation and gender identity, drug abuse, HIV, and others. The draft should be ready for submission to civil society by the middle of this year and implemented in 2015.

123.26. Accepted.

123.27 and 123.28. Accepted. Being implemented.

123.29. Accepted.

123.30, 123.31, 123.32, 123.33, 123.34 and 123.35. Accepted. Being implemented.

123.36. Accepted. Being implemented.

123.37. Accepted.

123.38 and 123.39. Accepted. Being implemented.

123.40. Accepted. Being implemented.

123.41. Accepted.

123.42 and 123.43. Accepted.

123.44. Accepted. Being implemented.

123.45. Accepted.

123.46 and **123.58.** Accepted. Being implemented.

123.47. Accepted.

123.48. Accepted. Being implemented.

123.49. Accepted. Being implemented.

123.50, 123.51, 123.52, 123.54, 123.55, 123.56 and 123.57. Accepted.

123.53. Accepted. Being implemented.

123.59. Accepted. Being implemented.

123.60, 123.61, 123.62, 123.68 and 123.69. Accepted. Being implemented.

123.63 and 123.70. Accepted.

123.64. Accepted. Being implemented.

As reported, the national system of birth registration boasts almost universal coverage and the lowest under-reporting rate in the region (less than 2 per cent whereas the average for Latin America is 9 per cent). Most births in Uruguay take place in health facilities, which facilitates universal registration of births, given that children leave clinics with their birth certificate and identity card number.

With regard to access to education, the Constitution and law are non-discriminatory and guarantee universal access, public education having been free and compulsory since the Act of 23 August 1877. Work continues to be done on a package of inclusive measures to help make universal access a reality for all children and adolescents in Uruguay by addressing the need for assistance and genuine opportunities.

123.65. Accepted. Being implemented.

123.66. Accepted. Being implemented.

123.67. Accepted. Being implemented.

123.71 and 123.143. Accepted. Being implemented.

The Government of Uruguay has on several occasions reaffirmed its commitment to investigate and clarify serious human rights violations that took place before and during the military dictatorship (1968–85) and has made enormous efforts in that regard.

Since the establishment of the Peace Commission in 2000, 178 cases of enforced disappearance have been recognized. The process of strengthening institutions is exemplified by the creation of the Human Rights Secretariat for the Recent Past, which is working daily to establish the truth about enforced disappearances and political murders, including through historical and anthropological investigations (for example by searching military premises for remains) carried out in conjunction with the University of the Republic. Victims have initiated 204 court cases and the Secretariat is working on them with the judiciary, as well as assisting in legal investigations in neighbouring countries, bearing in mind the way in which the repressive regimes of the time worked together.

Work is coordinated closely with human rights bodies in Argentina (the Secretariat for Human Rights, Ministry of Justice, technical forensic and anthropological team and the Human Rights Directorate of the Ministry of Foreign Affairs) and more recently with Brazil, with which a Memorandum of Understanding on the Exchange of Documentation for Clarifying Serious Human Rights Violations was signed on 29 January 2014 on the same terms as one signed with Argentina in 2012.

123.72, 123.73, 123.74, 123.75, 123.76, 123.77, 123.78, 123.79, 123.80, 123.81, 123.82, 123.83, 123.84 and 123.85. Accepted. Being implemented.

There has been a particular focus on the prison system in the past two legislatures aimed at ensuring that the rights and dignity of detainees are fully respected, in recognition of the need to repair the social and political fabric of the State. A key part of the process has been the use of cross-cutting administrative strategies, making it possible to loosen the Ministry of the Interior's control over the penitentiary system and to involve other ministries and public bodies. Prison and institutional reform has been facilitated by substantial support from the international community in the form of major projects.

Prison reform began in 2005 and received a further boost in 2010. The following goals have been set for the reform process: to eliminate overcrowding; unify the penitentiary system; improve professionalism; prevent corruption and report and prosecute cases when they arise; expand and formalize methods of classification, thereby enabling the design of individual training programmes; promote a more holistic approach to health, work, education, culture, sport and recreation.

It can be said with regard to the first of those goals that the problem of overcrowding will have been resolved by the first half of 2014 and that, from 2016, facilities should be occupied below maximum capacity. At the same time, progress is being made in the ranking and development of treatment programmes in strict compliance with international human rights standards. Efforts are being made to bolster public-public and public-private cross-cutting strategies for work, education, culture, sport and the fight against corruption. A major priority this year is to improve health care, with special focus on improving food quality.

As far as women prisoners are concerned, it should be underlined that prison overcrowding was eliminated in 2012 and that prison administration is based on the Bangkok Rules.

123.86, 123.87 and 123.88. Accepted.

123.89, 123.90, 123.91, 123.92, 123.93, 123.94, 123.95, 123.96, 123.97, 123.98, 123.99, 123.100, 123.101, 123.102, 123.103, 123.104, 123.105, 123.106 and 123.107. Accepted. Being implemented.

A series of measures has been adopted to combat violence against women, which is of prime concern to the Government and for Uruguayan society as a whole. A legal and institutional framework has been developed with a view to safeguarding rights, protecting victims and ensuring that the perpetrators of such crimes are tried and held liable. In 1995, Uruguay included the offence of domestic violence in its Criminal Code and, in 2002, the Domestic Violence Act was passed, facilitating the coordination of efforts in the prevention, early detection and elimination of violence and victim care. The National Domestic Violence Advisory Council was established and a first national plan (2004–2010) drafted, giving rise to a great many initiatives from various sectors aimed at putting an end to the problem. The plan was subject to an independent assessment, the results of which are being used to establish what should be done next.

Specialized courts have been set up, along with a special unit created within the National Institute for Women. A range of codes of conduct have been designed, such as the police procedure guide and guidelines for the health and education sectors. Several training courses have been conducted, along with a range of campaigns to raise public awareness.

With regard to protection measures that have been implemented, key initiatives include the establishment of shelters, short-term accommodation and the use of ankle tags, which has made it possible not only to prevent offences but also to punish perpetrators.

Lastly, the enactment of Act No. 18.850 on redress for the children of persons who die as a result of acts of domestic violence should be highlighted.

123.108, 123.110 and 123.114. Accepted. Being implemented.

123.109 and 123.113. Accepted. Being implemented.

Although 25 per cent of children in Uruguay live in poverty (more than double the national poverty figure), child poverty was reduced by 40 per cent and public social spending rose considerably in the period from 2005 to 2012. How those funds are allocated has changed, with an increase in plans for young children (currently 30 per cent of public spending goes to children and adolescents) and a range of government programmes aimed at that social group (health-care reform, an increase in the education budget – the highest ever in the history of Uruguay — family subsidies, expansion of the plan for infant and family care centres — which provide care for infants up to the age of 3 and constitute a central pillar of the fledgling national health-care system – neighbourhood programmes and the "Uruguay crece contigo" programme).

Uruguay continues to move forward with its National Strategy for Children and Adolescents, which also addresses the matter of school dropouts. As the National Strategy for 2010–2015 nears completion, it is being assessed with a view to designing its successor for 2015–2020 along the same lines.

123.111, 123.112, 123.115 and 123.116. Accepted. Being implemented.

123.117, 123.118, 123.119, 123.120, 123.121, 123.122, 123.123, 123.124, 123.125, 123.126, 123.127, 123.128, 123.129, 123.130, 123.131, 123.132, 123.133, 123.142 and 123.145. Accepted. Being implemented, especially with regard to tightening coordination between institutions to prevent and combat such offences and to provide victims with support.

123.134, 123.146, 123.147, 123.148, 123.149 and 123.150. Accepted. Being implemented.

123.135. Accepted. Being implemented.

123.136. Accepted. Being implemented.

123.137. Accepted.

123.138. Accepted. Being implemented.

123.139. Accepted.

123.140. Accepted. Being implemented.

123.141. Accepted.

123.144. Accepted.

123.151 and **123.153.** Accepted.

123.152. Accepted. Being implemented.

123.154, 123.155 and 123.156. Accepted.

123.157, 123.158, 123.159 and 123.160. Accepted. Being implemented.

123.161. Accepted. Being implemented.

123.162, 123.163, 123.164, 123.165, 123.166, 123.169, 123.172 and 123.173. Accepted. Being implemented.

123.167. Accepted. Being implemented.

123.168. Accepted.

123.170. Accepted. Being implemented.

123.171. Accepted. Being implemented.

123.174 and 123.175. Accepted. Being implemented.

123.176. Accepted. Being implemented.

123.177, 123.178, 123.179, 123.180, 123.181, 123.182 and 123.183. Accepted. Being implemented.

123.184. Accepted. Being implemented.

123.185. Accepted. Being implemented.

123.186. Accepted. Being implemented.

In this regard, it is worth noting, among other things, the passing of Acts Nos. 16.466 (1994) and 17.283 (2000) on environmental impact studies and protection of the environment, and the enactment of the Mining Code (Act No. 19.126 of 2013 on large-scale mining). It should be noted that parliament has given preliminary approval for ratification of the ILO Safety and Health in Mines Convention, 1995 (No. 176), which should be approved this year, thereby providing a practical framework for the Labour Code.

124.1. Rejected.

Only this recommendation has been rejected, with the comment that Uruguay protects the institution of the family, including through constitutional provisions, on a broad and non-discriminatory basis and rejecting the limiting of the notion of the family on the grounds of gender identity, sexual orientation or any other reason, in accordance with domestic law and the highest international standards on the protection of human rights.